

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S1923–S2068*

**Measures Introduced:** Five bills and one resolution were introduced, as follows: S. 3159–3163, and S. Res. 468. **Page S2019**

#### Measures Considered:

**Health Care and Education Affordability Reconciliation Act—Agreement:** Senate continued consideration of H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13), taking action on the following amendments proposed thereto: **Pages S1923–S2012**

Rejected:

Gregg/Coburn Modified Amendment No. 3567, to prevent Medicare from being used for new entitlements and to use Medicare savings to save Medicare. (By 56 yeas to 42 nays (Vote No. 64), Senate tabled the amendment.) **Pages S1923, S1993**

McCain Amendment No. 3570, to eliminate the sweetheart deals for Tennessee, Hawaii, Louisiana, Montana, Connecticut, and frontier States. (By 54 yeas to 43 nays (Vote No. 65), Senate tabled the amendment.) **Pages S1923, S1993–94**

Crapo Motion to commit the bill to the Committee on Finance, with instructions. (By 56 yeas to 43 nays (Vote No. 66), Senate tabled the motion.) **Pages S1923, S1994**

Enzi Motion to commit the bill to the Committee on Finance, with instructions. (By 58 yeas to 41 nays (Vote No. 67), Senate tabled the motion.) **Pages S1923, S1994–95**

Barrasso Amendment No. 3582, to ensure that Americans can keep the coverage they have by keeping premiums affordable. (By 57 yeas to 41 nays (Vote No. 68), Senate tabled the amendment.) **Pages S1923, S1995–96**

Alexander Motion to commit the bill to the Committee on Health, Education, Labor, and Pensions, with instructions. (By 58 yeas to 41 nays (Vote No. 70), Senate tabled the motion.) **Pages S1923–34, S1996–97**

Hatch Motion to commit the bill to the Committee on Finance, with instructions. (By 56 yeas to 42 nays (Vote No. 72), Senate tabled the motion.) **Pages S1937–42, S1997–98**

Coburn Amendment No. 3556, to reduce the cost of providing federally funded prescription drugs by eliminating fraudulent payments and prohibiting coverage of Viagra for child molesters and rapists and for drugs intended to induce abortion. (By 57 yeas to 42 nays (Vote No. 73), Senate tabled the amendment.) **Pages S1942–44, S1998**

Hutchison Amendment No. 3608, to protect the right of States to opt out of a Federal health care takeover. (By 58 yeas to 41 nays (Vote No. 74), Senate tabled the amendment.) **Pages S1944–57, S1998–99**

Collins Amendment No. 3638, to improve the bill by waiving the \$40,000 penalty on hiring previously unemployed individuals. (By 58 yeas to 41 nays (Vote No. 75), Senate tabled the amendment.) **Pages S1957, S1999**

Thune Amendment No. 3639, to ensure that no State experiences a net job loss as a result of the enactment of the SAFRA Act. (By 55 yeas to 43 nays (Vote No. 76), Senate tabled the amendment.) **Pages S1957, S1999–S2000**

Cornyn Motion to commit the bill to the Committee on Finance, with instructions. (By 52 yeas to 46 nays (Vote No. 78), Senate tabled the motion.) **Pages S1959–65, S2000–01**

Roberts Amendment No. 3579, to strike the medical device tax. (By 56 yeas to 42 nays (Vote No. 79), Senate tabled the amendment.) **Pages S1965, S2001**

Inhofe Amendment No. 3588, to exclude pediatric devices and devices for persons with disabilities from the medical device tax. (By 57 yeas to 41 nays (Vote No. 80), Senate tabled the amendment.) **Pages S1965–66, S2001–02**

Hatch Amendment No. 3644, to protect access for America's wounded warriors. (By 54 yeas to 44 nays (Vote No. 81), Senate tabled the amendment.) **Pages S1966–72, S2002**

Burr Amendment No. 3652, to protect the integrity of Department of Veterans Affairs and Department of Defense health care programs for veterans, active-duty service members, their families, widows

and widowers, and orphans who have sacrificed in defense of our Nation. (By 54 yeas to 44 nays (Vote No. 83), Senate tabled the amendment.)

**Pages S1975–78, S2003–04**

Vitter Amendment No. 3553, to repeal the government takeover of health care. (By 58 yeas to 39 nays (Vote No. 84), Senate tabled the amendment.)

**Pages S1978–80, S2004**

Roberts Motion to commit the bill to the Committee on Finance, with instructions. (By 59 yeas to 37 nays (Vote No. 86), Senate tabled the motion.)

**Pages S1980–93, S2005–06**

Bunning Amendment No. 3681, to allow individuals to elect to opt out of the Medicare part A benefits. (By 61 yeas to 36 nays (Vote No. 87), Senate tabled the amendment.)

**Pages S2006–07**

Risch/Crapo Amendment No. 3645, to repeal the limitation on itemized medical expense deductions. (By 55 yeas to 40 nays (Vote No. 90), Senate tabled the amendment.)

**Pages S2009–10**

Vitter Amendment No. 3668, to increase women's access to breast cancer screenings. (By 56 yeas to 39 nays (Vote No. 92), Senate tabled the amendment.)

**Pages S2010–12**

During consideration of this measure today, Senate also took the following action:

By 43 yeas to 56 nays (Vote No. 69), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to waive section 313 of the Congressional Budget Act of 1974 with respect to consideration of Grassley/Roberts Amendment No. 3564, to make sure the President, Cabinet Members, all White House Senior staff and Congressional Committee and Leadership Staff are purchasing health insurance through the health insurance exchanges established by the Patient Protection and Affordable Care Act. Subsequently, a point of order that the amendment violates section 313(b)(1)(C) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell.

**Pages S1923, S1996**

By 40 yeas to 59 nays (Vote No. 71), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section (4)(G)(3) of the statutory Pay-As-You-Go Act of 2010, all applicable sections of those acts and applicable budget resolutions, with respect to LeMieux Amendment No. 3586, to enroll Members of Congress in the Medicaid program. Subsequently, the Chair sustained a point of order that the amendment violates section 313(b)(1)(C) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell.

**Pages S1934–37, S1997**

By 43 yeas to 55 nays (Vote No. 77), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section (4)(G)(3) of the statutory Pay-As-You-Go Act of 2010, all applicable sections of those acts and applicable budget resolutions, with respect to Thune Amendment No. 3640, to repeal the CLASS Act. Subsequently, the Chair sustained a point of order that the amendment violates section 310(d)(2) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell.

**Pages S1957–59, S2000**

By 42 yeas to 56 nays (Vote No. 82), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section (4)(G)(3) of the statutory Pay-As-You-Go Act of 2010, all applicable sections of those acts and applicable budget resolutions, with respect to Gregg Amendment No. 3651, to provide for a long-term fix to the Medicare sustainable growth rate formula in order to improve access for Medicare beneficiaries. Subsequently, the Chair sustained a point of order that the amendment violates section 310(d)(2) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell.

**Pages S1972–75, S2002–03**

By 42 yeas to 54 nays (Vote No. 85), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section (4)(G)(3) of the statutory Pay-As-You-Go Act of 2010, all applicable sections of those acts and applicable budget resolutions, with respect to Roberts Amendment No. 3577, to protect Medicare beneficiary access to hospital care in rural areas from recommendations by the Independent Payment Advisory Board. Subsequently, the Chair sustained a point of order that the amendment violates section 313(d)(1)(D) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell.

**Pages S1980, S2004–05**

By 40 yeas to 56 nays (Vote No. 88), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section (4)(G)(3) of the statutory Pay-As-You-Go Act of 2010, all applicable sections of those acts and applicable budget resolutions, with respect to Grassley Amendment No. 3699, to provide a temporary extension of certain programs. Subsequently, the Chair sustained a point of order that the amendment violates section

313(b)(1)(C) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell.

**Pages S2007–08**

By 36 yeas to 59 nays (Vote No. 89), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section (4)(G)(3) of the statutory Pay-As-You-Go Act of 2010, all applicable sections of those acts and applicable budget resolutions, with respect to Bennett Amendment No. 3568, to protect the democratic process and the right of the people of the District of Columbia to define marriage. Subsequently, the Chair sustained a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell.

**Pages S2008–09**

By 40 yeas to 55 nays (Vote No. 91), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section (4)(G)(3) of the statutory Pay-As-You-Go Act of 2010, all applicable sections of those acts and applicable budget resolutions, with respect to Hutchison Amendment No. 3635, to repeal the sunset on marriage penalty relief and to make the election to deduct State and local sales taxes permanent. Subsequently, the Chair sustained a point of order that the amendment violates section 313(b)(1)(c) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell.

**Page S2010**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:45 a.m., on Thursday, March 25, 2010, and that it be in order to offer amendments to and make points of order on the measure until 2 p.m.; provided further, that at 2 p.m., Senate vote on passage of the bill.

**Page S2067**

**Nominations Received:** Senate received the following nominations:

Carl Wieman, of Colorado, to be an Associate Director of the Office of Science and Technology Policy.

Rafael Moure-Eraso, of Massachusetts, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years.

Rafael Moure-Eraso, of Massachusetts, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

Mark A. Griffon, of New Hampshire, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

Robert M. Orr, of Florida, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

**Page S2068**

**Nomination Discharged:** The following nomination were discharged from further committee consideration and placed on the Executive Calendar:

Arthur Allen Elkins, Jr., of Maryland, to be Inspector General, Environmental Protection Agency, which was sent to the Senate on November 18, 2009, from the Senate Committee on Homeland Security and Governmental Affairs.

**Page S2068**

**Messages from the House:**

**Page S2018**

**Measures Referred:**

**Page S2018**

**Measures Placed on the Calendar:**

**Pages S1923, S2018**

**Executive Communications:**

**Pages S2018–19**

**Executive Reports of Committees:**

**Page S2019**

**Additional Cosponsors:**

**Pages S2019–20**

**Statements on Introduced Bills/Resolutions:**

**Pages S2020–27**

**Additional Statements:**

**Pages S2017–18**

**Amendments Submitted:**

**Pages S2027–67**

**Authorities for Committees to Meet:**

**Page S2067**

**Privileges of the Floor:**

**Page S2067**

**Record Votes:** Twenty-nine record votes were taken today. (Total—92)

**Pages S1993–S2006, S2008–12**

**Adjournment:** Senate convened at 9 a.m. on Wednesday, March 24, 2010 and adjourned at 2:56 a.m. on Thursday, March 25, 2010, until 9:45 a.m. on the same day. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S2067–68.)

## Committee Meetings

(Committees not listed did not meet)

### BUSINESS MEETING

*Committee on Agriculture, Nutrition, and Forestry:* Committee ordered favorably reported an original bill entitled, "Healthy, Hunger-Free Kids Act of 2010", with amendments.

### APPROPRIATIONS: GUARD AND RESERVE

*Committee on Appropriations:* Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2011 for the Guard and Reserve, after receiving testimony from General Craig R. McKinley, Chief, National Guard Bureau, Major General Raymond W. Carpenter, Director, Army National Guard, Lieutenant General Harry M. Wyatt III, Director, Air National Guard, Lieutenant